

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

South Carolina Department of Insurance, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
Charles L. Myrick, Jr., )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. 04-ALJ-17-0320-CC

**ORDER OF DISMISSAL**

**RECEIVED**  
GENERAL COUNSEL

**JAN 12 2005**

STATE OF SOUTH CAROLINA  
DEPARTMENT OF INSURANCE

**APPEARANCES:** For the Department of Insurance: Joseph D. McMaster, Esquire  
For the Respondent: No Appearance

(12)  
This matter comes before the Administrative Law Court (ALC or Court) pursuant to S.C. Code Ann. §§ 1-23-310 et seq. (1986 & Supp. 2003), and S.C. Code Ann. §§ 38-43-10 et seq. (Supp. 2003) for a contested case hearing. Petitioner seeks revocation of Respondent's nonresident insurance agent's/producer's license for alleged violations of Chapter 43 of Title 38 of the Code of Laws of South Carolina. A hearing was held on January 6, 2005 at the offices of the ALC in Columbia, South Carolina. The Respondent, after receiving timely notice from the Court, did not appear at the hearing and did not notify the Court that he would not be appearing. Counsel for the Department was present at the hearing.

After waiting approximately twenty (20) minutes for the Respondent to appear, the Court commenced this hearing. Upon Motion of the Department, the Court then dismissed this action and granted the relief sought by the Department.<sup>1</sup>

Rule 23 of the Rules of Procedure for the Administrative Law Court provides:

The administrative law judge may dismiss a contested case or dispose of a contested case adverse to the defaulting party. A default occurs when a party fails to plead or otherwise prosecute or defend, fails to appear at a hearing without the proper consent of the judge or fails to comply with any interlocutory order of the administrative law judge. Any non-defaulting party may move for an order dismissing the case or terminating it adversely to the defaulting party.

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<sup>1</sup> At the hearing, the Department informed the court that it did not wish to seek any monetary penalties.

**FILED**

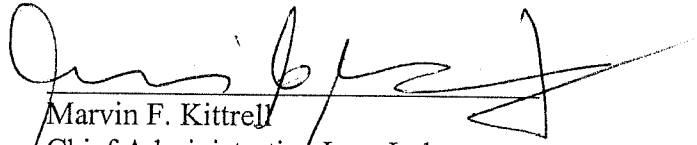
JAN 06 2005

SC ADMIN. LAW COURT

Because the Respondent did not appear before the Court, did not request a continuance, and did not contact this tribunal to notify the Court that he would be late,

**IT IS HEREBY ORDERED** that the above-captioned case is dismissed with prejudice and Respondent's nonresident insurance agent's/producer's license is hereby revoked.

**AND IT IS SO ORDERED.**

  
Marvin F. Kittrell  
Chief Administrative Law Judge

January 6, 2005  
Columbia, South Carolina

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).

This 6<sup>th</sup> day of January 2005  
By: Bugette M. Barker  
Judicial Law Clerk